

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
AUGUST 1, 2016
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Commissioner Jennings called the meeting to order at 6:30 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Commissioners David Brotman; Jeffrey Jennings; and Mikke Pierson.

ABSENT: Chair Roohi Stack and Vice Chair John Mazza.

ALSO PRESENT: Bonnie Blue, Planning Director; Trevor Rusin, Assistant City Attorney; Richard Mollica, Senior Planner; Jasch Janowicz, Contract Planner; Robert Duboux, Assistant Public Works Director/Assistant City Engineer, and Kathleen Stecko, Recording Secretary.

PLEDGE OF ALLEGIANCE

Commissioner Pierson led the Pledge of Allegiance.

REPORT ON POSTING OF AGENDA

Recording Secretary Stecko reported that the agenda for the meeting was properly posted on July 22, 2016, with the amended agenda properly posted on July 27, 2016.

APPROVAL OF AGENDA

MOTION Commissioner Brotman moved and Commissioner Pierson seconded a motion to approve the agenda. The motion carried 3-0, Chair Stack and Vice Chair Mazza absent.

ELECTION OF CHAIR AND VICE CHAIR

MOTION Commissioner Pierson nominated Vice Chair Mazza to serve as Chair of the Planning Commission. The motion carried 3-0, Chair Mazza and Commissioner Stack absent.

MOTION Commissioner Pierson nominated Commissioner Jennings to serve as Vice Chair of the Planning Commission. The motion carried 3-0, Chair Mazza and Commissioner Stack absent.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

None.

ITEM 2.B. COMMISSION / STAFF COMMENTS

Commissioner Pierson inquired if the portion of Cross Creek Road north of Civic Center Way is private property, as a fee is being charged by a private party for parking at that location.

In response to Commissioner Pierson, Planning Director Blue stated that portion of Cross Creek Road is private property. In addition, Planning Director Blue provided an update on upcoming ZORACES meeting dates.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.1. was pulled for discussion by Vice Chair Jennings as there were several members of the public who wished to comment on the matter.

MOTION Commissioner Brotman moved and Commissioner Pierson seconded a motion to approve the Consent Calendar. The motion carried 3-0, Chair Mazza and Commissioner Stack absent.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

None.

B. New Items

2. Approval of Minutes

Recommended Action: Approve the minutes for the July 18, 2016 Regular Planning Commission meeting.

Staff contact: Planning Director Blue, 456-2489 ext. 258

The following item was pulled from the Consent Calendar for individual consideration:

1. General Plan consistency finding regarding proposed vacation of a portion of the Rambla Pacifico public right-of-way easement

Location: 3849 Rambla Pacifico

APN: 4451-022-007

Owner: City of Malibu

Applicant: Neil Strum

Case Planner: Senior Planner Mollica, 456-2489 ext. 346

Recommended Action: Adopt Planning Commission Resolution No. 16-49 finding the vacation of a portion of the public road easement along Rambla Pacifico to be consistent with the General Plan.

Planning Director Blue presented the staff report.

Disclosures: None.

As there were no questions for staff, Vice Chair Jennings opened public comment.

Speakers: Graeme Clifford, Scott Dittrich (Jane Kagon and David Garrett deferred time to Scott Dittrich), Joe Yarman, and Leslie Barrett.

Assistant Public Works Director/Assistant City Engineer Duboux provided clarification in response to public comment.

As there were no other speakers present, Vice Chair Jennings closed the public comment and returned the matter to the table for discussion.

The Commission directed questions to staff.

MOTION Commissioner Pierson moved and Commissioner Brotman seconded a motion to continue the item to the September 6, 2016 Regular Planning Commission meeting to allow staff time to provide additional information regarding the dimensions of the easement. The motion carried 3-0, Chair Mazza and Commissioner Stack absent.

ITEM 4 CONTINUED PUBLIC HEARINGS

- A. Coastal Development Permit No. 15-059 - An application for a remodel and addition to an existing single-family residence, accessory structure, and associated development (Continued from July 18, 2016)

Location: 31276 Bailard Road, within the appealable coastal zone

APN: 4470-002-023

Owner: Kaswan Family Trust

Recommended Action: Adopt Planning Commission Resolution No. 16-67 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 15-059, an application for the remodel of the existing single-family residence and garage including the addition of 1,219 square feet and the construction of a new 1,281 square foot accessory structure, alternative onsite wastewater system, pool, spa, pool equipment, landscaping, patio with barbeque area, horse corral, grading, associated development, and a Demolition Permit No. 16-022 located in the Rural Residential-Five Acre lot size minimum zoning district at 31276 Bailard Road (Kaswan Family Trust).

Senior Planner Mollica presented the staff report.

Disclosures: Commissioners Brotman and Pierson.

The Commission directed questions to staff.

As there were no further questions for staff, Vice Chair Jennings opened the public hearing.

Speaker: Todd Riley.

As there were no other speakers present, Vice Chair Jennings closed the public hearing. No further discussion occurred.

MOTION Commissioner Brotman moved and Commissioner Pierson seconded a motion to adopt Planning Commission Resolution No. 16-67 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 15-059, an application for the remodel of the existing single-family residence and garage including the addition of 1,219 square feet and the construction of a new 1,281 square foot accessory structure, alternative onsite wastewater system, pool, spa, pool equipment, landscaping, patio with barbeque area, horse corral, grading, associated development, and a Demolition Permit No. 16-022 located in the Rural Residential-Five Acre lot size minimum zoning district at 31276 Bailard Road (Kaswan Family Trust).

The Commission discussed the motion.

The motion carried 3-0, Chair Mazza and Commissioner Stack absent.

ITEM 5 NEW PUBLIC HEARINGS

- A. Coastal Development Permit Amendment No. 16-006 – An application to amend Coastal Development Permit No. 14-024, Site Plan Review No. 14-018, and Minor Modification No. 14-016 for the construction of a new, two-story single-family residence and accessory development

Location: 6847 Wildlife Road, within the appealable coastal zone

APN: 4466-006-017

Owner: Wildlife II, LLC

Recommended Action: Adopt Planning Commission Resolution No. 16-17 approving Coastal Development Permit Amendment No. 16-006 amending Coastal Development Permit No. 14-024, Site Plan Review No. 14-018, and Minor Modification No. 14-016 to increase the front yard setback, revise the grading design and configuration of the pool and backyard amenities, and make other modifications, resulting in construction of a new, two-story, 6,632 square foot single-family residence, a 628 square foot attached garage, a 999 square foot basement, pool, landscaping, retaining walls and fencing, grading, various hardscape, 36 square feet of covered porches projecting more than six feet, and an alternative onsite wastewater treatment system, including an 18 percent rather than 40 percent minor modification of the front yard setback, and a site plan review for

height in excess of 18 feet, up to 28 feet for a pitched roof located in the Rural Residential-One Acre zoning district at 6847 Wildlife Road (Wildlife II, LLC).

Contract Planner Janowicz presented the staff report.

Disclosures: Commissioners Brotman and Pierson and Vice Chair Jennings.

The Commission directed questions to staff.

RECESS Vice Chair Jennings called a recess at 7:45 p.m., reconvening at 8:00 p.m. with all Commissioners present.

The Commission directed questions to staff.

As there were no further questions for staff, Vice Chair Jennings opened the public hearing.

Speakers: Douglas Burdge, Richard Zeilenga, Martin Burton, Christy Farrar, Chris Farrar (Alyse Farrar, Spencer Farrar, Tess Farrar, and Wyatt Farrar deferred time to Chris Farrar), and Norman Haynie.

Douglas Burdge and Richard Zeilenga provided rebuttal to the public comment.

As there were no other speakers present, Vice Chair Jennings closed the public hearing and returned the matter to the table for discussion.

The Commission directed questions to staff, Chris Farrar, Joseph Lezama, Douglas Burdge, and Tom Donkin.

MOTION Commissioner Pierson moved to deny Coastal Development Permit Amendment No. 16-006 amending Coastal Development Permit No. 14-024, Site Plan Review No. 14-018, and Minor Modification No. 14-016 to increase the front yard setback, revise the grading design and configuration of the pool and backyard amenities, and make other modifications, resulting in construction of a new, two-story, 6,632 square foot single-family residence, a 628 square foot attached garage, a 999 square foot basement, pool, landscaping, retaining walls and fencing, grading, various hardscape, 36 square feet of covered porches projecting more than six feet, and an alternative onsite wastewater treatment system, including an 18 percent rather than 40 percent minor modification of the front yard setback, and a site plan review for height in excess of 18 feet, up to 28 feet for a pitched roof located in the Rural Residential-One Acre zoning district at 6847 Wildlife Road (Wildlife II, LLC). The motion failed due to lack of second.

CONSENSUS

By consensus, the matter was tabled until the end of the meeting to allow the owner's representation to consult the owner regarding options proposed by the Commission.

B. Coastal Development Permit No. 09-047 and Site Plan Review No. 16-036 – A follow-up application for an emergency slope repair

Location: 24910 Pacific Coast Highway, within the appealable coastal zone

APN: 4458-015-013

Owner: Grant Sims

Recommended Action: Adopt Planning Commission Resolution No. 16-69 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 09-047, a follow-up application for a slope repair that took place under Emergency Coastal Development Permit No. 05-057 which included remedial grading (Site Plan Review No. 16-036) and the installation of drainage devices in the Rural Residential-Two Acre zoning district located at 24910 Pacific Coast Highway (Sims).

Senior Planner Mollica presented the staff report.

Disclosures: Commissioner Brotman.

The Commission directed questions to staff.

As there were no further questions for staff, Vice Chair Jennings opened the public hearing.

Speaker: Norman Haynie.

As there were no other speakers present, Vice Chair Jennings closed the public hearing and returned the matter to the table for discussion.

The Commission directed questions to staff.

MOTION Commissioner Brotman moved and Commissioner Pierson seconded a motion to adopt Planning Commission Resolution No. 16-69 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 09-047, a follow-up application for a slope repair that took place under Emergency Coastal Development Permit No. 05-057 which included remedial grading (Site Plan Review No. 16-036) and the installation of drainage devices in the Rural Residential-Two Acre zoning district located at 24910 Pacific Coast Highway (Sims). The motion carried 3-0, Chair Mazza and Commissioner Stack absent.

RECESS Vice Chair Jennings called a recess at 9:27 p.m., reconvening at 9:35 p.m. with all Commissioners present.

Vice Chair Jennings returned the matter of Planning Commission Resolution No. 16-17 to the table for discussion.

A. Coastal Development Permit Amendment No. 16-006 – An application to amend Coastal Development Permit No. 14-024, Site Plan Review No. 14-018, and Minor Modification No. 14-016 for the construction of a new, two-story single-family residence and accessory development

Location: 6847 Wildlife Road, within the appealable coastal zone

APN: 4466-006-017

Owner: Wildlife II, LLC

Recommended Action: Adopt Planning Commission Resolution No. 16-17 approving Coastal Development Permit Amendment No. 16-006 amending Coastal Development Permit No. 14-024, Site Plan Review No. 14-018, and Minor Modification No. 14-016 to increase the front yard setback, revise the grading design and configuration of the pool and backyard amenities, and make other modifications, resulting in construction of a new, two-story, 6,632 square foot single-family residence, a 628 square foot attached garage, a 999 square foot basement, pool, landscaping, retaining walls and fencing, grading, various hardscape, 36 square feet of covered porches projecting more than six feet, and an alternative onsite wastewater treatment system, including an 18 percent rather than 40 percent minor modification of the front yard setback, and a site plan review for height in excess of 18 feet, up to 28 feet for a pitched roof located in the Rural Residential-One Acre zoning district at 6847 Wildlife Road (Wildlife II, LLC).

The Commission directed questions to staff and Richard Zeilenga.

MOTION Commissioner Brotman moved and Vice Chair Jennings seconded a motion to adopt Planning Commission Resolution No. 16-17, as amended: 1) approving Coastal Development Permit Amendment No. 16-006 amending Coastal Development Permit No. 14-024, Site Plan Review No. 14-018, and Minor Modification No. 14-016 to increase the front yard setback, revise the grading design and configuration of the pool and backyard amenities, and make other modifications, resulting in construction of a new, two-story, 6,632 square foot single-family residence, a 628 square foot attached garage, a 999 square foot basement, pool, landscaping, retaining walls and fencing, grading, various hardscape, 36 square feet of covered porches projecting more than six feet, and an alternative onsite wastewater treatment system, including an 18 percent rather than 40 percent minor modification of the front yard setback, and a site plan review for height in excess of 18 feet, up to 28 feet for a pitched roof located in the Rural Residential-One Acre zoning district at 6847 Wildlife Road (Wildlife II, LLC) and 2) adding a condition that the retaining wall on the southeast property line be designed as a planted green wall set back from the property line to allow maintenance by the applicant and adding the standard LCP lighting conditions to the project.

The Commission discussed the motion.

The question was called and the motion carried 2-1, Commissioner Pierson dissenting and Chair Mazza and Commissioner Stack absent.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

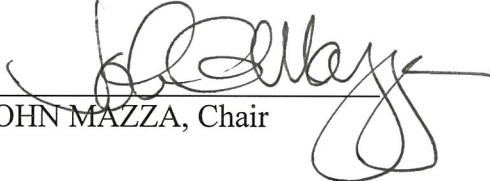
ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 9:48 p.m., Commissioner Brotman moved and Commissioner Pierson seconded a motion to adjourn the meeting. The motion carried 3-0, Chair Mazza and Commissioner Stack absent.

Approved and adopted by the Planning Commission
of the City of Malibu on August 15, 2016.



JOHN MAZZA, Chair

ATTEST:



KATHLEEN STECKO, Recording Secretary